

**The Town of Upper Marlboro
Board of Commissioners**

RESOLUTION: 2018-04

SESSION: Special/Regular Town Meeting

DATED: June 19, 2018

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS RE-APPROVING
THE DEPLOYMENT OF SPEED MONITORING SYSTEMS AND RE-DESIGNATING
THE SCHOOL ZONE ALONG OLD MARLBORO PIKE (MD 725) WITHIN THE
CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO**

WHEREAS, Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the “Maryland Code”), authorizes and empowers the Commissioners of the Town of Upper Marlboro, Maryland (hereinafter, the “Board of Commissioners”) to implement and use a speed monitoring system (“SMS”) that is consistent with the requirements of Title 21, Subtitle 8 of the Transportation Article of the Code on a public highway; and

WHEREAS, Maryland Code, Transportation Article, §21-803.1 allows School Zones and School Areas, to be established by a local authority within a one-half mile radius of any school; and

WHEREAS, Maryland Code, Transportation Article, §21-809(a)(7) defines a “School Zone” to mean a designated roadway segment within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs including: (i) travel by students to or from school on foot or by bicycle; or (ii) the dropping off or picking up of students by school buses or other vehicles; and

WHEREAS, Maryland Code, Transportation Article, §21-809(b)(1)(i) requires that a speed monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing; and

WHEREAS, the Board of Commissioners has enacted Ordinance 2018-02 for the purpose of establishing the “safety for students program” by adopting provisions governing speed monitoring systems, in order to authorize the implementation of such systems in designated school zones to detect speed limit violations using vehicle sensors that produce recorded images of passing vehicles and generally governing the use and deployment of speed monitoring systems within the Town’s corporate limits in accordance with State law; and

WHEREAS, Section 6(B) of Ordinance 2018-02 designated a school zone along Maryland Route 725 (Old Marlboro Pike) from Marlborough Drive to Elm Street; and

WHEREAS, the Board of Commissioners finds that there are active school bus stops within the proposed expanded Town Designated School Zone along MD 725 including bus stops at (1) Spring Branch Dr. & (2) Marlborough Dr. (near the crosswalk); and

WHEREAS, the Board of Commissioners finds that the Town Designated School Zone

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along MD 725 from Marlborough Drive to Elm Street should be re-designated to include the State highway segment from the corporate limits located near 14101 Old Marlboro Pike to a point near 14401 Old Marlboro Pike, which is approximately 0.5 miles from the Antioch Church Learning Center; and

WHEREAS, the Board of Commissioners finds that the Antioch Church Learning Center located within the Marlborough Village Center at or near 5096 Brown Station Rd. is currently designated as an institute of higher education by Prince George's County and is currently the focus of a designated school zone for the County's Automated Speed Enforcement Program; and

WHEREAS, the Board of Commissioners finds that the Antioch Church Learning Center located within and part of the Marlborough Village Center is a shopping center directly accessible from the State Highway (MD 725) and is also accessible from Brown Station Road; and

WHEREAS, the Board of Commissioners finds that the school bus stop at 14102 Spring Branch Drive serves five (5) area public schools including Barak Obama Elementary, Central High, Croom Vocational High, Dr. Henry Wise Junior High, and James Madison Middle School with school buses stopping at approximately 6:07 a.m., 7:07 a.m., 8:37 a.m., 8:44 a.m., 8:50 a.m., 12:54 p.m., 2:11 p.m., 3:45 p.m., 3:57 p.m., and 4:55 p.m.; and

WHEREAS, the Board of Commissioners finds that the school bus stop at 14202 Marlborough Drive also serves five (5) area public schools including Barak Obama Elementary, Dr. Henry Wise Junior High, Frederick Douglas High, James Madison Middle School, and Maya Angelou French Immersion with school buses stopping at approximately 7:14 a.m., 7:27 a.m., 8:37 a.m., 8:58 a.m., 2:33 p.m., 3:16 p.m., 3:57 p.m., 4:52 p.m., and 5:19 p.m.; and

WHEREAS, the Board of Commissioners finds that driving in excess of posted speed limits, and failing to stop at red lights is a major cause of accidents, injuries and death; and

WHEREAS, the Board of Commissioners further finds that traditional enforcement of red light violations, and posted speed limits in the vicinity of schools and school areas requires that law enforcement enter traffic and stop a motorist in order to cite that motorist as a violator; however, traffic volume and safety considerations limits the number of violators apprehended to a fraction of those in violation of posted speed limits or traffic control signal, and risks injury to the law enforcement officers, pedestrians and public, especially in the vicinity of schools; and

WHEREAS, the Board of Commissioners further finds that the speed limit on Old Marlboro Pike in the proposed school area is 25 MPH and that the Upper Marlboro Police Department conducted a traffic study on seven separate school days using a radar device between April 1, 2018 and May 13, 2018 and recorded a total sum of 219,608 vehicle trips or an average of 31,373 vehicle trips per day; and

WHEREAS, the Board of Commissioners further finds that said traffic analysis indicates that the number of speed violations by motor vehicle drivers for the subject period were

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165,200 (23,600 per day average) or an average of 74% of all passing vehicles exceeded the posted speed limit at an average speed of 28 MPH; and

WHEREAS, the Board of Commissioners further finds that the highest speeds recorded during the subject study period exceeded 70 MPH on each of the seven monitored school days and the highest speed recorded was 90 MPH on May 6, 2018; and

WHEREAS, the Board of Commissioners further finds that traffic studies indicate that the presence of speed cameras has contributed to as much as an 80% - 90% decrease in the number of drivers exceeding the speed limit by 12 miles per hour or more in the vicinity of school facilities; and

WHEREAS, the Board of Commissioners further finds that school-related activity occurs in the Town along Old Marlboro Pike, including travel by students to or from school or bus stops on foot or by bicycle; or the dropping off or picking up of students by school buses or other vehicles; and

WHEREAS, the “Safety for Students” program created by the Commissioners of the Town of Upper Marlboro, Maryland with a goal to increase safety for the motoring public as well as for students, parents, and teaching staff around schools with the use of automated speed enforcement will substantially protect the health, safety and welfare of the public; and

WHEREAS, the Chief of Police has advised that Speed Monitoring Systems will advance the “Safety for Students” program; as strategically placed in designated areas to advance the safety of the motoring public and pedestrians; and

WHEREAS, upon due consideration of the testimony and comments of the public, experts and staff received at a duly convened public hearing and/or placed into the journal for review, and in furtherance of the public health, safety and welfare, the Board of Commissioners finds that it is in the best interest of the citizens of the Town of Upper Marlboro, Maryland and sojourners thereto to adopt and establish a school zone and authorize the use of speed monitoring systems within designated school zones; and

WHEREAS, the Board of Commissioners requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating an unmanned stationary speed monitoring system, if not already in place, at each School Zone and publish the location of the unmanned stationary speed monitoring system on the Town of Upper Marlboro Website, and in a newspaper of record, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Upper Marlboro, that the following School Zone, and SMS Boundary and Location Plan for Old Crain Highway are hereby approved, adopted and established according to applicable statutes and ordinance referenced in the recitals above and incorporated herein by reference, and the provisions stated herein below describing the boundary of the applicable school zone and the proposed initial location of the speed monitoring systems:

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- A. The Proposed Boundary of the Applicable School Zone: This Resolution 2018-04 establishes a school zone that specifically includes Old Marlboro Pike Southeast bound and Northwest bound between the existing municipal corporate limits located near 14101 Old Marlboro Pike to a point near 14401 Old Marlboro Pike, which is approximately 0.5 miles from the Antioch Church Learning Center. See Exhibit A, attached hereto and incorporated by reference herein. There are no other school zones established by another municipality within one-quarter mile of the school zone established by the Town.
- B. The Proposed Location of the Speed Monitoring System: The entire segment of roadway designated as a School Zone is approximately 1,280 feet long and is depicted on a map attached herein as Exhibit A. The Upper Marlboro Police Department will operate a radar or lidar-based camera system mounted on a mobile trailer, on a pole or in a fixed cabinet. The system will monitor traffic in both (N/S) directions. If placed on a mobile trailer, the camera system is further mounted on a single pole attached to the trailer and requires no power, data, or traffic signal connections. The trailer, pole or fixed camera cabinet will be installed in the unimproved portion of the right-of-way as shown on Exhibit A, attached hereto and incorporated by reference herein. The speed monitoring devices shall be initially deployed within said corporate boundaries along a segment of Old Marlboro Pike (MD 725) at an initial camera location situated near the abutting property at 14320 Old Marlboro Pike, as depicted, which is a right-of-way owned and maintained by the State.
- C. Signage: The current posted speed limit along this segment of Old Marlboro Pike is 25 MPH. See Exhibits, attached hereto and incorporated by reference herein. The Town shall ensure that additional signs will be posted designating the school zone and indicating that a speed monitoring system is in use in the school zone. The signs will be installed using existing or standard wooden poles installed in accordance with the Maryland Manual on Uniform Traffic Control Devices. The signs will be placed in such a manner as not to interfere with existing traffic control devices or infrastructure. The Town shall be responsible for the cost of placing and maintaining signs and other traffic control devices applicable to the school zone established on Old Marlboro Pike.

AND BE IT FURTHER RESOLVED that as prescribed by law, reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Towns website at least fifteen (30) days prior to the activation of an unmanned speed monitoring system in a School Zone for the first time.

AND BE IT FURTHER RESOLVED that the President shall be authorized to sign this Resolution on behalf of the Board.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland after a Public Hearing was conducted at a Meeting held on June _____, 2018.

PASSED this _____ Day of June, 2018.

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Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

[Exhibits, Attached]

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2018.

M. David Williams, Town Clerk